

111TH CONGRESS  
1ST SESSION

# H. R. 3169

To require the Secretary of the Army to carry out a study to determine the most effective manner by which to carry out the Lake Pontchartrain flood control project, to authorize the Secretary of the Army to construct a new pumping station at Lake Pontchartrain, Louisiana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2009

Mr. SCALISE introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To require the Secretary of the Army to carry out a study to determine the most effective manner by which to carry out the Lake Pontchartrain flood control project, to authorize the Secretary of the Army to construct a new pumping station at Lake Pontchartrain, Louisiana, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. LAKE PONTCHARTRAIN, LOUISIANA.**

4       (a) AUTHORITY OF SECRETARY OF THE ARMY.—The  
5       project authorized by section 204 of Flood Control Act  
6       of 1965 (Public Law 89–298; 79 Stat. 1077) and modified

1 by section 7012(a)(2) of the Water Resources Develop-  
2 ment Act of 2007 (Public Law 110–114; 121 Stat. 1279),  
3 the Emergency Supplemental Appropriations Act for De-  
4 fense, the Global War on Terror, and Hurricane Recovery,  
5 2006 (Public Law 109–234; 120 Stat. 454) and Supple-  
6 mental Appropriations Act, 2008 (Public Law 110–252;  
7 122 Stat. 2350) is further modified to authorize the Sec-  
8 retary of the Army to construct a pumping station that  
9 shall be specifically designed to evacuate storm water from  
10 the area known as Hoey’s Basin, as—

11 (1) generally described in the report entitled  
12 “U.S. Army Corps of Engineers Individual Environ-  
13 mental Report #5; Permanent Protection System  
14 for the Outfall Canals project on 17th Street, Orle-  
15 ans Avenue, and London Avenue Canals”; and

16 (2) more specifically described under the  
17 “Pump to the Mississippi River” option contained in  
18 the report described in paragraph (1).

19 (b) AUTHORIZED COST.—The total cost of the  
20 project authorized under subsection (a) shall be  
21 \$205,000,000.

22 (c) FEDERAL SHARE.—The Federal share of the cost  
23 of the project authorized under this Act shall be performed  
24 only in accordance with the Federal cost share provided  
25 for under the Emergency Supplemental Appropriations

1 Act for Defense, the Global War on Terror, and Hurricane  
2 Recovery, 2006 (Public Law 109–234; 120 Stat. 454) and  
3 the Supplemental Appropriations Act, 2008 (Public Law  
4 110–252; 122 Stat. 2350).

5 (d) DEFINITIONS.—In this section:

6 (1) PROJECT.—The term “project” means the  
7 project for permanent pumps and canal modifica-  
8 tions authorized by section 204 of Flood Control Act  
9 of 1965 (Public Law 89–298; 79 Stat. 1077), modi-  
10 fied by section 7012(a)(2) of the Water Resources  
11 Development Act of 2007 (Public Law 110–114;  
12 121 Stat. 1279), the Emergency Supplemental Ap-  
13 propriations Act for Defense, the Global War on  
14 Terror, and Hurricane Recovery, 2006 (Public Law  
15 109–234; 120 Stat. 454) and the Supplemental Ap-  
16 propriations Act, 2008 (Public Law 110–252; 122  
17 Stat. 2350); and further modified by section (a) of  
18 this Act.

19 (2) PROJECT REPORT.—The term “project re-  
20 port” means the report—

21 (A) submitted by the Secretary to Con-  
22 gress;

23 (B) dated August 30, 2007; and

24 (C) provided in response to the require-  
25 ments described in section 4303 of the U.S.

1 Troop Readiness, Veterans' Care, Katrina Re-  
2 covery, and Iraq Accountability Appropriations  
3 Act, 2007 (Public Law 110–28; 121 Stat. 154)  
4 as the basis for complying with the require-  
5 ments of—

6 (i) the project; and

7 (ii) the modifications to the 17th  
8 Street, Orleans Avenue, and London Ave-  
9 nue canals in and near the city of New Or-  
10 leans carried out under the project.

11 (3) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Army.

13 (e) DUTIES OF THE SECRETARY.—

14 (1) STUDY; REPORT.—

15 (A) STUDY.—Upon enactment of this Act,  
16 the Secretary shall conduct a study under which  
17 the Secretary shall carry out—

18 (i) an analysis of the residual risks as-  
19 sociated with options 1, 2, and 2a, as de-  
20 scribed in the project report; and

21 (ii) an independent peer review of the  
22 effectiveness of concept designs and pre-  
23 liminary cost estimates associated with  
24 each option.

1 (B) REPORTS.—Not later than 180 days  
2 after the date of enactment of this Act, the Sec-  
3 retary shall submit to the Committee on Appro-  
4 priations of the House of Representatives and  
5 the Committee on Appropriations of the Senate  
6 a report that—

7 (i) contains the results of the study  
8 conducted under subparagraph (A); and

9 (ii) identifies the option contained in  
10 the project report that—

11 (I) is more technically advan-  
12 tageous;

13 (II) is more effective from an  
14 operational perspective in providing  
15 greater reliability and reducing the  
16 risk of flooding to the New Orleans  
17 area over the long term; and

18 (III) if implemented, would—

19 (aa) increase the overall  
20 drainage capacity of the region;

21 (bb) reduce local flooding to  
22 the greatest extent practicable;  
23 and

24 (cc) provide the greatest sys-  
25 tem flexibility.

1           (2) IMPLEMENTATION.—Effective on the date  
2           on which the Secretary submits the report under  
3           paragraph (1)(B), the Secretary shall resume the  
4           implementation of the project in accordance with the  
5           option selected by the Secretary under the report  
6           and without regard to the funds available, is directed  
7           under this Act to implement the option contained in  
8           the report that is found to be more technically ad-  
9           vantageous and more effective from an operational  
10          perspective in providing greater reliability and reduc-  
11          ing the risk of flooding to the New Orleans area over  
12          the long term.

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